

REMARKS

Claims 1 - 23 are pending. Reconsideration and issuance of a Notice of Allowance are respectfully requested.

On page 2 the Office Action rejects claims 1 - 6, 8 - 15, and 17 - 23 under 35 U.S.C. § 102(e) over U.S. Patent 6,876,988 to Helsper (hereafter Helsper). This rejection is respectfully traversed.

Considering claim 1, the Office Action asserts that Helsper discloses all that is claimed including “translating the collected service performance information into a generic output (Col 2, lines 56 - 60) wherein the generic output is the near-term predictions and/or component performance.”

Helsper is directed to a forecasting system that produces near-term predictions of future network performance of e-business systems and system components. However, the output of Helsper’s system is not a generic output. Instead, Helsper uses monitoring and forecasting kernels to tailor a concurrent-learning information processor (CIP) to various physical applications. The kernels “may correspond to a spatial configuration of inputs and outputs, a temporal configuration of inputs and outputs, or a combined spatial and temporal configuration of inputs and outputs. As specific examples, a spatial configuration may be tailored to an image processing application, a temporal configuration may be tailored to a commodity price fore-casting application” See column 7, lines 53 - 62. Furthermore, Helsper’s system includes a self-learning function wherein output features are, over time, transformed “into computed output values in accordance with output feature specifications supplied by the manager.” See column 8, lines 39 - 43. Thus Helsper actually teaches away from a generic output - one of Helsper’s key features is an output that changes with each monitoring/forecasting cycle.

In contrast to Helsper, claim 1 recites “translating the collected service performance information into a generic output.” A generic output is described in the specification, at least at page 7, line 28 to page 8, line 2: “[t]he health generator 10 transforms the performance information into a consistent set of health metrics 14 that can be accessed by end consumer 13.” Because Helsper does not disclose or suggest the claimed generic output, claim 1 is patentable.

Independent apparatus claim 11 recites a data analysis engine that translates the collected service health information ... and provides one or more generic health metrics. As noted above, Helsper does not disclose or suggest generic outputs. Accordingly, claim 11 is also patentable.

Independent method claim 18 recites the step of generating a generic service health output. For the same reasons that claims 1 and 11 are patentable, claim 18 is also patentable.

Independent apparatus claim 21 recites a health generator module that applies a rule set to the received performance information and derives generic health metrics therefrom. As noted above with respect to claim 1, Helsper does not disclose or suggest a generic output. Accordingly, claim 21 is also patentable.

Claims 2 -5, and 8 - 10 depend from patentable claim 1; claims 12 - 15 and 17 - 20 depend from patentable claim 11; and claims 22 and 23 depend from patentable claim 21. For these reasons and the additional features they recite, claims 2 - 5, 8 - 10, 12 - 15, 17 - 20, 22, and 23 are also patentable. Withdrawal of the rejection of claims 1 - 6, 8 - 15, and 17 - 23 under 35 U.S.C. § 102(e) is respectfully requested.

On page 7 the Office Action rejects claim 7 under 35 U.S.C. § 103(a) over Helsper in view of U.S. Patent 5,949,976 to Chappelle. This rejection is respectfully traversed.

Claim 7 depends from patentable claim 1, and for this reason and the additional features it recites, claim 7 is also patentable. Withdrawal of the rejection of claim 7 under 35 U.S.C. § 103(a) is respectfully requested.

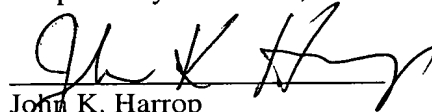
On page 8 the office action rejects claim 16 under 35 U.S.C. § 103(a) over Helsper in view of U.S. Patent 6,647,413 to Warland. This rejection is respectfully traversed.

Claim 16 depends from patentable claim 11, and for this reason and the additional features it recites, claim 16 is also patentable. Withdrawal of the rejection of claim 6 under 35 U.S.C. § 103(a) is respectfully requested.

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,



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